

## UNITED STATES DISTRICT COURT

for the  
Western District of TexasFiled 5-27-15  
Clerk, U. S. District Court  
Western District of Texas  
By [Signature] Deputy

United States of America )

v. )

MIKE BENITEZ )

Case No. 5:15-MJ-449 )

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 27, 2015 in the county of Bexar in the  
Western District of Texas, the defendant(s) violated:

Code Section

Offense Description

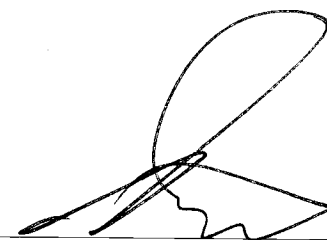
21 U.S.C. 841(a)(1) &amp; (b)(1)(C)

Possession With Intent to Distribute Methamphetamine

PENALTIES: 0-20 years imprisonment, maximum \$1,000,000 fine, minimum  
3 years supervised release, \$100 mandatory special assessment.

This criminal complaint is based on these facts:

See attached affidavit

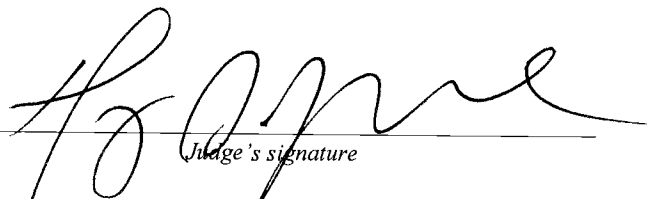
☒ Continued on the attached sheet.

Complainant's signature

Bryan Smith / DEA TFO

Printed name and title

Sworn to before me and signed in my presence.

Date: 05/27/2015City and state: San Antonio, Texas

Judge's signature

HENRY J. BEMPORAD, US MAGISTRATE JUDGE

Printed name and title

Bryan Smith, BEING DULY SWORN, DEPOSES AND SAYS:

I am a Task Force Officer with the Drug Enforcement Administration (DEA), currently assigned to the San Antonio District Office in San Antonio, Texas. In addition to the basic law enforcement training I have also received advanced training regarding the controlled substance laws of the State of Texas and the United States. I have in the past been the affiant on affidavits in support of arrest warrants and complaints in state and federal courts.

On May 27, 2015, TFO Bryan Smith was able to obtain a state search warrant for the residence located at 2419 Texas Ave, San Antonio, Texas. The search warrant was signed by San Antonio City Magistrates Judge Margie Pol on May 27, 2015 at approximately 8:52AM. Mike BENITEZ was the intended suspect on the search warrant.

TFO Smith requested the assistance of the Bexar County Sheriff Narcotics Unit to execute the search warrant. At approximately 9:50AM entry was made into the residence. There were other individuals inside the residence that were released prior to the search. BENITEZ was located in the front right bedroom and was detained there without incident.

TFO Smith Mirandized BENITEZ who stated that he understood his rights. TFO Smith asked BENITEZ if BENITEZ was aware of any narcotics located inside the residence. BENITEZ stated that he did know where narcotics were located in the residence.

TFO Smith walked with BENITEZ to the front right bedroom which BENITEZ stated belonged to him. BENITEZ walked into the bedroom and motioned towards the bedroom closet. TFO Smith entered the closet and recovered a black bag. Inside the black bag there were two clear plastic bags each containing a crystal like substance alleged to be methamphetamine. Also inside the black bag there were "Ziplock" bags and a digital scale that was in good working condition.

TFO Smith asked BENITEZ if there were any firearms located inside the bedroom. BENITEZ pointed out a Hi-Point 9mm handgun bearing serial number P1490622 that was located on top of the dresser.

BENITEZ was video recorded while pointing out the alleged crystal methamphetamine and firearm. BENITEZ admitted that he possessed the crystal methamphetamine that was recovered inside the black bag and the firearm that was located on top of the dresser.

The alleged crystal methamphetamine field tested positive for methamphetamine and had a gross weight of approximately 553.4 grams.

  
Bryan Smith, DEA TFO

Subscribed and sworn to on this the 27<sup>th</sup> day of May, 2015.

  
HENRY J. BEMPORAD  
U.S. MAGISTRATE JUDGE